



LOS ANGELES COUNTY COMMISSION ON HIV

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While not required of meeting participants, signing-in constitutes public notice of attendance. Presence at meetings is recorded solely based on sign-in sheets, and not signing-in constitutes absence for Commission members. Only members of the Commission on HIV Health Services are accorded voting privileges, thus Commissioners who have not signed in cannot vote. Sign-in sheets are available upon request.

JOINT PUBLIC POLICY (JPP) COMMITTEE MEETING MINUTES May 7, 2008

Approved
07-02-08

MEMBERS PRESENT	MEMBERS ABSENT	PUBLIC	HIV EPI AND OAPP STAFF	COMM STAFF/ CONSULTANTS
Whitney Engeran, <i>Co-Chair</i>	Ruben Acosta	Jim Chud	Elizabeth Escobedo	Carolyn Echols-Watson
Lee Kochems, <i>Co-Chair</i>	Ruel Nollado	Joanne Granai	William Strain	Dawn McClendon
Kyle Baker	Dean Page	Miki Jackson		Jane Nachazel
Carrie Broadus	Chris Villa	Mike Johnson		Craig Vincent-Jones
Jeffrey Goodman		Talley Lambert		
James Skinner		Rich Mathias		
Ron Snyder		Manuel Negrete		
Kathy Watt		Daniel Rivas		

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- 2) **Minutes:** JPP Committee Minutes, 4/2/2008
- 3) **Transcription:** Joint Public Policy (JPP) Corrections Forum, 9/13/2007
- 4) **SB 1184 (Infectious Disease Reporting):** 2/12/2008
- 5) **SB 699 (HIV Reporting):** 4/17/2006
- 6) **Newsday Article:** Nassau, Suffolk Lawsuit Restores HIV/AIDS Funds, 2008
- 7) **Matrix:** Pending Legislation for JPP Committee Consideration, 4/2/2008
- 8) **AB 2899 (Sexually Transmitted Diseases):** 2/22/2008
- 9) **AB 2654 (Discrimination):** 2/22/2008
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- 11) **AB 851 (Medi-Cal Eligibility):** As Amended 1/7/2008
- 12) **AB 851 (Medi-Cal Eligibility):** Bill Analysis, As Amended 1/7/2008
- 13) **SB 1098 (Medical Marijuana):** 1/14/2008
- 14) **SB 1553 (Health Care Service Plans):** 2/22/2008
- 15) **News Release:** Health Care Providers Sue State of California Over Cuts in Medi-Cal Payments, 5/5/2008

1. **CALL TO ORDER:** Mr. Engeran called the meeting to order at 2:13 pm.
2. **APPROVAL OF AGENDA:**
MOTION #1: Approve the Agenda Order, as revised (*Passed by Consensus*).
3. **APPROVAL OF MEETING MINUTES:**
MOTION #2: Approve the April 2, 2008 JPP Committee meeting minutes (*Postponed*).
4. **PUBLIC COMMENT, NON-AGENDIZED:** There were no comments.
5. **COMMISSION COMMENT, NON-AGENDIZED:** There were no comments.
6. **PUBLIC/COMMISSION COMMENT FOLLOW-UP:** There were no comments.
7. **CO-CHAIRS' REPORT:** There was no report.

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8. AB 2654 (Discrimination):

- The Commission referred AB 2654 back to Committee at the request of Mr. Johnson, who expressed concern the unintended consequences of this bill. He indicated that it could possibly reduce contractors able providing services due to increased conditions, citing, as an example, that a number of contractors had been unable to secure insurance to work in Long Beach when the City passed a similar measure.
- There was discussion about the removal of the word “creed”, which had been replaced with the word “religion.” Mr. Goodman pointed out the word “creed” had a broader meaning.
- ➡ **MOTION #3 (Goodman/Broadus):** Support AB 2654, with the term “creed” re-inserted (*Passed by Consensus*).

9. INMATE HIV ISSUES/CORRECTIONS: Mr. Goodman reported that the Corrections work group identified related issues to explore from the JPP Corrections Forum transcript. Staff was preparing a list of the issues for further review. The work group categorized issues by Federal, State, County, immigration (ICE), and juvenile correctional institutions (e.g., CYA).

10. STATE AGENDA:

A. SB 1184 (Infectious Disease Reporting/HIV Surveillance):

- Mr. Vincent-Jones reported that SB 1184 passed the Senate unanimously and would be heard by the Assembly Health Committee June 10th. The bill had been amended to absolve labs of their responsibility to report information not submitted to them by providers. There was no objection to what was seen as a reasonable, technical modification. Following the Assembly, SB 1184 would return to the Senate for concurrence due to the bill amendment. “Urgency” bills require two-thirds votes of each house.
- Mr. Vincent-Jones provided clarified that “urgency” legislation can be implemented as soon as it is passed into law. State regulations do not have to be established prior to the law’s implementation of the law. “Urgency” does not necessarily imply that it moves through the legislature at a faster pace. In the case of SB 1184, the urgency provision starts reporting immediately in order to compile as many case reports as possible before December 2008.

B. SB 699 Follow-up:

- Mr. Vincent-Jones reported that the Commission had sent a letter to the Department of Public Health requesting that it use the Health Officer’s powers to convert an estimated 3,500 coded cases to name cases reports, when the informed consent did not specifically exclude such conversion. The next data collection cycle for the application formula will close December 31, 2008 and the reporting of those cases will assist in the determination of funding. SB 699 had not clearly defined if the Health Officer had authority to convert those cases. It was noted most providers had re-reported coded cases as name-based cases when authority was given, but Kaiser had refused to do so.

➡ Ask Dr. Douglas Frye to forward the minutes from the Sacramento surveillance meeting to the Committee, when available.

MOTION #4 (Broadus/Engeran): In collaboration with the Health Officer, the HIV Epidemiology Program, the Consumer Caucus, HIV Counseling/Testing Task Force, and other interested parties, work on a countywide effort to educate the public on the importance of the new surveillance system and its role generating federal dollars HIV service revenues for Los Angeles County (*Passed by Consensus*).

11. RYAN WHITE PROGRAM:

A. Nassau/Suffolk County Court Case:

- As a result of the 2006 Ryan White Reauthorization, California’s nine Eligible Metropolitan Areas (EMAs) became three EMAs (Los Angeles, San Francisco, and San Diego) and six Transitional Grant Areas (TGAs). In the Nassau/Suffolk County court case, the US Second Circuit Court of Appeals overturned the US District Court ruling sustaining the transition to TGAs and the accompanying funding formulae. The Committee questioned the impact this decision would have on Ryan White funding allocations throughout the country and whether future lawsuits would be pursued by other TGAs. The Committee expressed concern regarding the source of the additional funds required to restore Nassau County’s revenues. The Committee declined to recommend any action currently, in part recognizing the importance of building consensus towards the upcoming Reauthorization.
- ➡ Mr. Engeran agreed to forward his agency’s analysis of the issue, when complete, to the Committee.

12. STATE AGENDA:

A. AB 2899 (Sexually Transmitted Diseases):

- Mr. Kochems noted the legislation was returned to JPP by the Commission for PPC input. The PPC HIV Counseling and Testing Task Force (HCT) of the Standards and Best Practices Subcommittee (SBP) met April 17th, and recommended no support.

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- Discussion on this issue entailed legislating counseling and testing and possible issues that could arise by not allowing the tested person to decide whether they would receive counseling or not; whether the County has implemented a program to provide an opt-out option; whether the state was moving quickly enough to introduce this option statewide; how failure to include the option could possibly limit services if counseling is declined; and what kinds of clinics/settings would be affected. The PPC Executive Committee referred the matter back to the JPP.
- Mr. Engeran reported that AHF was sponsoring the bill to offer options that would reverse the trend of 70,000 tests a few years ago to 40,000 this year. AHF was working with the state and OAPP to develop a pilot program, and the County had no position on the legislation. Ms. Broadus felt it re-enforced prior legislation that gives people choices in the services they receive. The bill passed out of Assembly and would go to Senate Health the following week.
- It was clarified that, as a joint Committee of the Commission and the PPC, any JPP actions were to be reported to both bodies for their individual consideration as they each saw fit.

MOTION #3 (Broadus/Watt): Recommend support of AB 2899 to the Commission and the PPC and request that the Executive Director of the Commission concurrently contact Planned Parenthood to discuss potential issues related to AB 2899 and report any additional findings to both bodies within 45 days (**Passed: Ayes:** Broadus, Engeran, Goodman, Kochems, Skinner; **Noes:** Snyder, Watt; **Abstentions:** Baker).

- B. **AB 851 (Medi-Cal Eligibility):** Mr. Vincent-Jones noted the Committee already approved this bill with additional recommendations. There is a federal requirement to extend the option for disabled eligibility for the Medi-Cal benefits programs; the extension expires in January 2009. The bill calls for the State to exercise the option of continuing federal requirement to extend optional Medi-Cal coverage for the employed disabled and unemployed. There was no change to the previous support recommendation.
- C. **AB 1984 (Public Health: HIV/AIDS Testing: Prison Inmates):**
- Mr. Kochems reported the PPC's SBP HCT work group voted none in favor, five against, one abstention, but the bill had since been amended. Mr. Snyder clarified that the original bill ensured those released could take their medical files with them.
 - The original bill indicated that inmates would be tested outside of the facility. However, the amended bill now requires inmate testing prior to release. Ms. Broadus opposed the elimination of outside HIV providers because she felt they might be better equipped to provide comprehensive HIV services to inmates, whether or not they tested HIV-positive.
- MOTION #5 (Goodman/Skinner):** Support AB 1984, as amended (**Passed: Ayes:** Goodman, Kochems, Skinner, Snyder, Watt; **Noes:** Broadus; **Abstentions:** Baker, Engeran).
- D. **SB 1098 (Medical Marijuana):** Mr. Goodman felt the bill is not useful because it could harm legitimate cannabis clubs by calling DEA attention to them, and, as a result, clubs would not register.
- MOTION #6 (Broadus/Goodman):** Oppose the SB 1098 (**Passed: Ayes:** Broadus, Engeran, Goodman, Snyder, Watt; **Noes:** Skinner; **Abstentions:** Baker, Kochems).
- E. **SB 1553 (Health Care Service Plans):** The proposed legislation makes transparency and website requirements of health plans.
- ➡ Place the bill, now in suspense, on watch status.
- F. **CARE/HIPP Benefits Issues:** The item was postponed.

12. FEDERAL AGENDA:

- A. **Medi-Cal/Medicare:** This item inadvertently duplicated State Budget Item 13B.
- B. **ETHA:** The item was postponed.
- C. **Filling Medicare Gap:** OAPP has formed a 2008 process to directly pay Medicare Part D gap pharmacy costs with NCC.
- ➡ Mr. Vincent-Jones would email a consumer action alert on the Project Inform letter campaign to support including the TROOP legislation in proposed Medicare reform.
- D. **SAMHSA Reauthorizations:** The item was postponed.
- E. **Food Stamp Reauthorization:** The item was postponed.

13. STATE BUDGET:

- A. **Proposed Office of AIDS Reductions:** California Partnership was hosting advocacy trainings for consumers.
- ➡ Mr. Chud said he would attend and report on the training.
- B. **Proposed Medi-Cal/Denti-Cal Reductions:** The Governor's budget proposed reducing reimbursements by 10%. Hospital, pharmacist and adult day care reimbursement reductions would be delayed. A coalition of health care providers had filed a class action lawsuit to prevent the implementation of the reimbursement cuts due to the dire impact on, especially, small and rural providers..
- ➡ Mr. Vincent-Jones will ask the CEO for an analysis of the County cost of the proposed Medi-Cal cuts.

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C. **Alternative Funding Strategies:** The item was postponed.

14. **FEDERAL BUDGET:** The item was postponed.

15. **COMMITTEE WORK PLAN UPDATE:** The item was postponed.

16. **RYAN WHITE 2010 PRINCIPLES:** The item was postponed.

17. **PREVENTION ISSUES:**

A. **Two-Track Testing Model:**

- Mr. Engeran said the State Office of AIDS had introduced a two-track high-/low-risk testing pilot. AHF and others participated in pilot in Los Angeles County, San Francisco, and elsewhere. The State implemented the two-track system statewide in January 2008, except for in Los Angeles County where HE/RR is still incompatible. Risk is classified based on the Client Assessment Questionnaire (CAQ). All MSM are classified as high-risk. He felt OAPP and PPC should move to support the two-track model.
- Ms. Broadus asserted that high-risk reimbursement amounted to inequitable pre-screening and the temptation to skew CAQ results. She reported that 80% of Women Alive's referrals from events had been found ineligible. Ms. Watt reported the PPC was told the problem had been corrected and asked that anyone who has evidence of a continuing problem let her know.
- Mr. Engeran indicated the State offered a Local Variance Adjustment (LVA) allowing a variance of up to 15% of funds for populations that a jurisdiction felt required special attention, but that OAPP had declined it.
- Ms. Watt invited all to HIV Counseling/Testing Week planning meetings at St. Anne's Maternity Home: May 12th, 10:00 am to 12:00 noon; June 2nd, 2:00 to 4:00 pm; and June 17th, 2:00 to 4:00 pm.
- Ms. Watt reported that Counseling/Testing RFPs had been released, and she expressed hope that replacing the BRG model would help facilitate better services. Mr. Engeran said the RFP required at least a 1.8% HIV seropositivity rate to support identifying as many PWHIV as possible. The two-track model paid \$80/per "linked" person, but OA and OAPP defined "linked" differently.

B. **PPC Process:** The item was postponed.

18. **LOCAL AGENDA:** The item was postponed.

19. **COMMITTEE POLICIES AND PROCEDURES:** The item was postponed.

20. **SUBCOMMITTEE/WORKGROUP REPORTS:** Reports were postponed.

21. **NEXT STEPS:** The item was postponed.

22. **ANNOUNCEMENTS:** There were no announcements.

23. **ADJOURNMENT:** The meeting was adjourned at 5:16 pm.